

**SUPREME COURT MINUTES  
TUESDAY, NOVEMBER 27, 2012  
SAN FRANCISCO, CALIFORNIA**

**S206842****PEOPLE v. S.C. (RICCARDI)**

Petition for writ of mandate/prohibition & application for stay denied

The “Emergency Petition for Writ of Mandate with Request for Immediate Temporary Stay of Penalty Phase Retrial Pending Resolution of November 16, 2012, Motion for Recall of Remittitur and Alternatively Stay,” filed on November 26, 2012, is denied.

**S205388**

G046209 Fourth Appellate District, Div. 3

**PEOPLE v. DUNBAR  
(RUSSELL EUGENE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205527**

B229202 Second Appellate District, Div. 3

**PEOPLE v. TWELVE  
THOUSAND SIX HUNDRED  
ONE DOLLARS &  
THIRTY-THREE CENTS  
(\$12,601.33) IN U.S.  
CURRENCY (CARDAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205550**

C060837 Third Appellate District

**PEOPLE v. TORRES  
(PANFILO)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205603**B233663 Second Appellate District, Div. 7      **IN RE G.R.**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205624** F061319 Fifth Appellate District

**PEOPLE v.  
VALENCIA-OLIVARES  
(ANTONIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205630** A129688 First Appellate District, Div. 2

**PEOPLE v. KELLY (JAMAL)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 3, 2013.

**S205719** H036452 Sixth Appellate District

**PEOPLE v. GOMEZ  
(GERARDO PINEDA)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 31, 2012.

**S205723** H037529 Sixth Appellate District

**GOMEZ (GERARDO  
PINEDA) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to December 31, 2012.

**S205734** B232508 Second Appellate District, Div. 2

**PEOPLE v. WILLIAMS  
(CURTIS JERMAINE)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 31, 2012.

**S205751** C068459 Third Appellate District

**PEOPLE v. CARPENTER  
(STEVEN WARREN)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 31, 2012.

**S205784** A133513 First Appellate District, Div. 4

**PEOPLE v. AITKENS  
(DANIEL ALLAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 2, 2013.

**S205785**      B230106 Second Appellate District, Div. 3      **PEOPLE v. YOUNG (JOHN CEPHAS)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205786**      D059177 Fourth Appellate District, Div. 1      **PEOPLE v. PAPPAS, JR., (JASON RUTAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205790**      D058348 Fourth Appellate District, Div. 1      **PEOPLE v. ORTIZ (RAFAEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205801**      E052821 Fourth Appellate District, Div. 2      **PEOPLE v. MARTINEZ, JR., (MICHAEL LASHAUN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 3, 2013.

**S205804**      E052253 Fourth Appellate District, Div. 2      **RIALTO CITIZENS FOR RESPONSIBLE GROWTH v. CITY OF RIALTO (WAL-MART REAL ESTATE BUSINESS TRUST)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 3, 2013.

**S205812**      F061093 Fifth Appellate District      **PEOPLE v. ELLISON (PHILLIP)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 3, 2013.

**S205833**      A136013 First Appellate District, Div. 1      **MORTON GROVE PHARMACEUTICALS, INC. v. S.C. (PLAINTIFFS)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205836** G045885/G046260 Fourth Appellate District, Div. 3 **PLOTNIK (DAVID) v. MEIHAUS, JR., (JOHN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205838** B229519 Second Appellate District, Div. 7 **BOLA (JOHN) v. UNIVERSITY OF SOUTHERN CALIFORNIA**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205845** B225738 Second Appellate District, Div. 5 **PEOPLE v. GILLIAM (BILLY D.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205854** G044885 Fourth Appellate District, Div. 3 **PEOPLE v. MARTINEZ (SERGIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 10, 2013.

**S205868** A135804 First Appellate District, Div. 1 **GENERIC DEFENDANTS v. S.C. (PLAINTIFFS)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 7, 2013.

**S205875** B216004 Second Appellate District, Div. 8 **HERNANDEZ (ROGELIO) v. CHIPOTLE MEXICAN GRILL, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205876**      B229656 Second Appellate District, Div. 6      **ASSESSOR FOR COUNTY OF  
SANTA BARBARA v.  
ASSESSMENT APPEALS  
BOARD NO. 1 (RANCHO  
GOLETA LAKESIDE  
MOBILEERS, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205879**      F065391 Fifth Appellate District      **YOUNG (STEVEN) v. S.C.  
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205883**      B229781 Second Appellate District, Div. 4      **PEOPLE v. MADRID (DAVID  
JOSEPH)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205885**      B227030 Second Appellate District, Div. 1      **PEOPLE v. JONES  
(ANDREW)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205889**      G045579 Fourth Appellate District, Div. 3      **FLUOR CORPORATION v.  
S.C. (HARTFORD ACCIDENT  
& INDEMNITY COMPANY)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205899**      D059213 Fourth Appellate District, Div. 1      **PEOPLE v. PATTON  
(DARREN LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205907**      B235211 Second Appellate District, Div. 1      **REYES (JESUS) v.  
LIBERMAN  
BROADCASTING, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205912**      G047427 Fourth Appellate District, Div. 3      **RUST (DAVID LOUIS) v. S.C.  
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2013.

**S205917**      B227100 Second Appellate District, Div. 2      **PEOPLE v. GRAVES (ALEX  
DEMETRIUS)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205921**      E053056 Fourth Appellate District, Div. 2      **PEOPLE v. TOSSELL  
(AARON TIMOTHY)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S205931**      D060871 Fourth Appellate District, Div. 1      **PEOPLE v. ROJAS (IRVIN S.)**  
The time for granting or denying review in the above-entitled matter is hereby extended to January 9, 2013.

**S025520**      **PEOPLE v. WALDON (BILLY  
RAY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Collette C. Cavalier's representation that she anticipates filing the respondent's brief by November 5, 2013, counsel's request for an extension of time in which to file that brief is granted to January 29, 2013. After that date, only five further extensions totaling about 280 additional days are contemplated.

**S051968****PEOPLE v. MORELOS  
(VALDAMIR FRED)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Sara Theiss's representation that she anticipates filing the appellant's opening brief by March 2013, counsel's request for an extension of time in which to file that brief is granted to January 28, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S075727****PEOPLE v. JOHNSON  
(CEDRIC JEROME)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's reply brief is granted to January 29, 2013. The court anticipates that after that date, only two further extensions totaling about 120 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

**S077524****PEOPLE v. SALAZAR  
(MAGDALENO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's reply brief by October 30, 2013, counsel's request for an extension of time in which to file that brief is granted to January 25, 2013. After that date, only five further extensions totaling about 270 additional days will be granted.

**S080276****PEOPLE v. NG (CHARLES  
CHITAT)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Kenneth N. Sokoler's representation that he anticipates filing the respondent's brief by December 20, 2012, counsel's request for an extension of time in which to file that brief is granted to December 20, 2012. After that date, no further extension is contemplated.

**S089609****PEOPLE v. DELGADO  
(ANTHONY GILBERT)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Tia Coronado's representation that she anticipates filing the respondent's brief by February 24, 2013, counsel's request for an extension of time in which to file that brief is granted to January 25, 2013. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S093944****PEOPLE v. BERTSCH (JOHN  
ANTHONY) & HRONIS  
(JEFFERY LEE)**

Extension of time granted

On application of appellant John Anthony Bertsch and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 22, 2013.

**S097668****PEOPLE v. SHERMANTINE,  
JR., (WESLEY HOWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 18, 2013.

**S099549****PEOPLE v. LOPEZ  
(MICHAEL AUGUSTINE)**

Extension of time granted

Good cause appearing, and based upon Supervising Senior Deputy State Public Defender Evan Young's representation that she anticipates filing the appellant's reply brief by January 25, 2013, counsel's request for an extension of time in which to file that brief is granted to January 25, 2013. After that date, no further extension will be granted.

**S099770****PEOPLE v. COOPER (LEON  
CHAUNCEY)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that she anticipates filing the appellant's reply brief by March 25, 2013, counsel's request for an extension of time in which to file that brief is granted to January 15, 2013. After



that date, only one further extension totaling about 70 additional days will be granted. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S101247****PEOPLE v. VARGAS  
(EDUARDO DAVID)**

Extension of time granted

Good cause appearing, and based upon counsel Russell S. Babcock's representation that he anticipates filing the appellant's reply brief by March 6, 2013, counsel's request for an extension of time in which to file that brief is granted to January 7, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S114228****PEOPLE v. DUONG (ANH  
THE)**

Extension of time granted

Good cause appearing, and based upon counsel Debra S. Sabah Press's representation that she anticipates filing the appellant's opening brief by July 31, 2013, counsel's request for an extension of time in which to file that brief is granted to January 15, 2013. After that date, only four further extensions totaling about 260 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S126560****PEOPLE v. ARMSTRONG  
(JAMELLE EDWARD)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Yun K. Lee's representation that she anticipates filing the respondent's brief by January 15, 2013, counsel's request for an extension of time in which to file that brief is granted to January 15, 2013. After that date, no further extension is contemplated.

**S138052****PEOPLE v. MATAELE  
(TUPOUTOE)**

Extension of time granted

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that he anticipates filing the appellant's opening brief by April 29, 2013, counsel's request for an extension of time in which to file that brief is granted to January 18, 2013. After that date, only two further extensions totaling about 100 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S139702****PEOPLE v. BRACAMONTES  
(MANUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 22, 2013.

**S146939****PEOPLE v. CAPERS (LEE  
SAMUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 22, 2013.

**S151493****PEOPLE v. CARDENAS  
(REFUGIO RUBEN)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's opening brief is granted to January 22, 2013. The court anticipates that after that date, only nine further extensions totaling about 540 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S167166****ROMERO (GERARDO) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Marc A. Kohm's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by March 21, 2013, counsel's request for an extension of time in which to file that document is granted to January 22, 2013. After that date, only one further extension totaling about 60 additional days will be granted.

**S167195****VALENCIA (ALFREDO) ON  
HC**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Bradley A. Weinreb's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by August 27, 2013, counsel's request for an extension of time in which to file that document is granted to January 28, 2013. After that date, only four further extensions totaling about 210 additional days are contemplated.

**S175920****PEARSON (MICHAEL  
NEVAIL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Gary D. Sowards's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 18, 2013, counsel's request for an extension of time in which to file that document is granted to January 18, 2013. After that date, no further extension will be granted.

**S179795****FARLEY (RICHARD WADE)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Huy T. Luong's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by April 13, 2013, counsel's request for an extension of time in which to file that document is granted to January 14, 2013. After that date, only two further extensions totaling about 90 additional days are contemplated.

**S180404****McWHORTER (RICHARD  
ALLEN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Brook A. Bennigson's representation that he anticipates filing the respondent's brief by March 22, 2013, counsel's request for an extension of time in which to file that document is granted to January 22, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

**S194705****HORNING (DANNY RAY) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Assistant Federal Defender Joseph Schlesinger's representation that he anticipates filing the reply to the informal response to the petition for writ of

habeas corpus by October 27, 2013, counsel's request for an extension of time in which to file that document is granted to January 15, 2013. After that date, only five further extensions totaling about 270 additional days will be granted.

**S196568** C064627 Third Appellate District

**SALAS (VICENTE) v. SIERRA  
CHEMICAL COMPANY**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to amicus curiae is extended to December 21, 2012.

**S196958**

**HOWARD (DEMETRIUS  
CHARLES) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Christine Levingston Bergman's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by February 1, 2013, counsel's request for an extension of time in which to file that document is granted to February 1, 2013. After that date, no further extension is contemplated.

**S200323**

**BRYANT (STANLEY) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Jaime L. Fuster's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by March 21, 2013, counsel's request for an extension of time in which to file that document is granted to January 25, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

**S203329**

**JOHNSON (MICHAEL  
RAYMOND) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Lawrence M. Daniels's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by August 16, 2013, counsel's request for an extension of time in which to file that document is granted to January 15, 2013. After that date, only four further extensions totaling about 210 additional days are contemplated.

**S203744**      B231338 Second Appellate District, Div. 8      **PEOPLE v. VARGAS  
(DARLENE A.)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to December 3, 2012.

**S206405**      **PAYNE (MYRON A.) v. S.C.  
(DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S206482**      **JACQUETT (STEPHEN S.) v.  
CALIFORNIA DEPARTMENT  
OF CORRECTIONS &  
REHABILITATION**

Transferred to Court of Appeal, Fourth Appellate District, Division One

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One.

**S206882**      **BALIN (MELISSA) v. S.C.  
(TRUTANICH)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

